REMARKS/ARGUMENTS

Examiner's Interview Summary

On June 7, 2004, Examiner Marschel and the below listed attorney discussed the Final Office Action mailed on April 7, 2004. The issue of support for the subject matter cited as being New Matter was discussed, along with the citation error in which the Alajoki et al. reference was cited for both prior art rejections. The Examiner stated that he would revise and resend the Office Action, restarting the time period for response. In addition, the Examiner requested a Power of Attorney for the below listed attorney. An Associate Power of Attorney was submitted to the US Patent Office on June 11, 2004.

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New Matter

Claims 1-9,13, 39-41, 43-46, 49, 50, 53, 54 60, 61, 72-75, 77 and 81-85 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserted that these claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the Office Action asserts that the recitation of the spontaneous fluid transport of a fluid sample from the acquisition zone to the detection zone in claim 1 constitutes new matter, and that the cite in the Specification at page 18, lines 15-23 does not provide written support for this subject matter.

As set forth in the prior response submitted on January 21, 2004, support for the language changes in amended claim 1 was clearly defined in the specification, with the cite on page 18, lines 15-23 being just one example. Applicants direct the Examiner to page 24, lines 16-20, wherein it is stated that the channels of the detection article include an acquisition zone and a detection zone, and that the "channels 204 provide a means to wick or transport a liquid sample into the acquisition zone 210, between the acquisition zone 210 and the detection zone 220, and into the detection zone 220, by spontaneous" fluid transport, or capillary action, "throughout the length of the channels 204." [Specification, Page 24, Lines 16-20].